

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN ROE,

Plaintiff,

v.

CITY OF FAIRFIELD, et al.,

Defendants.

No. 2:22-cv-01536 AC

ORDER TO SHOW CAUSE

This case was filed on August 31, 2022. ECF No. 1. This action has been assigned to the Magistrate Judge under the court's automated case assignment plan. See Local Rules, Appendix A, subsection (m). Per the Local Rule and the Civil Case Documents issued in this case (ECF No. 3) the parties are required to return the "CONSENT / DECLINE OF U.S. MAGISTRATE JUDGE JURISDICTION" form to the Clerk within 90 days from the date the action was filed, or within 14 days of removal from state court. ECF No. 3 at 2. The parties were cautioned that "[f]ailure to do so may result in the court vacating a hearing or declining to resolve the motion until all consent designations have been submitted." Id.

It is unclear whether defendants have been served, as no proof of service has been filed. Federal Rule of Civil Procedure 4(m) states in part, "If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must

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1 dismiss the action without prejudice against that defendant or order that service be made within a  
2 specified time."

3 Because this action was filed initially in federal court, the parties' consent/decline forms  
4 were due on November 29, 2022. The parties have not filed their forms, and it is not clear that  
5 defendants have been served. The parties are therefore ORDERED TO SHOW CAUSE in  
6 writing within 10 days of this order why they have not filed their consent/decline forms. Plaintiff  
7 is further ORDERED to file proof of service. Submission of the forms and proof of service will  
8 automatically discharge this order. Failure to file the forms or proof of service or show good  
9 cause may result in sanctions up to and including a recommendation of dismissal for failure to  
10 prosecute.

11 IT IS SO ORDERED.

12 DATED: November 30, 2022

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE

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